

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11711 of 2026

Arising Out of PS. Case No.-378 Year-2025 Thana- Excise P.S. District- Madhubani

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Ram Udgar Safi Son of Fudar Safi Resident of Village- Dulipatti, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Sadar Excise P.S. Case No.378 of 2025, F.I.R dated 19.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the informant, Indra Mani, submitted a written complaint to the S.H.O. of the Excise Prohibition Office, Madhubani, on 19.10.2025, based on which an FIR was lodged against the petitioner. Acting on secret information that a three-wheeler (Reg. No. BR32ER-3785) was transporting illegal liquor from Laherisarai to the bus stand, the police team conducted a raid near Malgodam Bus Stand at about



10:20 A.M. They found the e-rickshaw abandoned on the roadside with nine bags on the seat. As no driver or owner was found and no local person agreed to be a seizure witness, two police personnel were made witnesses. Upon search, 510 bottles (300 ml each) of Nepali Desi wine, totaling 153 liters, were recovered. The seized liquor and the vehicle were taken to the police station and handed over to the S.H.O.

4. Learned counsel for the petitioner submits that the recovery is said to have been made from a three wheeler e-rickshaw bearing Reg. No.BR32ER-3785 and the said vehicle belongs to the petitioner. It is the case of the petitioner that he had gone to have lunch at a nearby Hotel and during the said period, the recovery is shown to have been made. The search and seizure is said to have been made without adhering to the procedures / provisions prescribed under the B.N.S.S. Act. The petitioner has clean antecedent, is a man of means and is earning his livelihood by running e-rickshaw.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and the



petitioner has clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Madhubani, in connection with Madhubani Sadar Excise P.S. Case No.378 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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